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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,268	11/30/2000	Rabindranath Dutta	AUS920000344US1	5226

7590 11/03/2004

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EXAMINER

LEE, PHILIP C

ART UNIT PAPER NUMBER

2154

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/726,268	Applicant(s) DUTTA, RABINDRANATH	
	Examiner Philip C Lee	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-13,15-19,21-25,27-31 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-13,15-19,21-25,27-31 and 33-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/11/00</u> . | 6) <input type="checkbox"/> Other: _____ |

1. This action is responsive to the amendment and remarks filed on July 21, 2004.
2. Claims 1, 3-7, 9-13, 15-19, 21-25, 27-31 and 33-36 are presented for examination and claims 2, 8, 14, 20, 26 and 32 are cancelled.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.
4. Claim 36 is objected to because of its dependency on claim 26 (i.e. claim 26 was cancelled).

Claim Rejections - 35 USC 112

4. Claims 1, 3-7, 9-12, 18, 21-22, 25, 30 and 33-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. The following terms lack proper antecedent basis:
 - i. the access time rating – claims 6, 18 and 30.
 - b. Claim language in the following claims is not clearly understood:

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- i. As per claim 1, lines 6-7, it is unclear what is meant by “the pages at different network addresses page content” [i.e. the page content at different network addresses].

Claim Rejections – 35 USC 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 7, 12-13, 15, 19, 24-25, 27, 31 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merriam, U.S. Patent Publication 2003/0195960 (hereinafter Merriam) in view of Barrick, Jr. et al, U.S. Patent 6,625,647 (hereinafter Barrick).

7. As per claims 1, 13 and 25, Merriam taught the invention substantially as claimed for rendering page identifications of files capable of being downloaded over a network on an output device, comprising:

generating a list of previously accessed page identifications (page 6, paragraph 46; fig. 6);

for each listed page identification, determining a time to download a page and any embedded files in the page from the network address over the network, wherein the pages at different network addresses page content is available at different network addresses (page 3, paragraph 28; page 4, paragraph 32);

storing each determined time with the page identification for which the time was determined (page 4, paragraph 33); and

rendering the access time indicator when rendering the page identifications on the output device (page 8, paragraph 58; fig. 6).

8. Merriam did not specifically detailing the page identifications are network addresses and determining an access time indicator for the network addresses. Barrick taught the use of network addresses or Universal Resource Locators to identify the pages (col. 9, lines 21-23). Barrick further taught a similar invention comprising:

determining a time to download a page and any embedded files in the page from the network address over the network in response to downloading the page and any embedded files from the network address (col. 7, lines 15-42); and

determining an access time indicator for the network addresses based on the determined times stored with the network addresses, wherein the determined access time indicator is capable of indicating at least two different access times (e.g. green, yellow, and red) with respect to one network address (col. 8, lines 7-17).

9. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Merriam and Barrick because Barrick's teaching of identifying a page with a network address and determining an access time indicator for the network addresses would increase the user's alertness in Merriam by providing measured actual download times experienced by users and use that data to evaluate network performance (col. 1, line 64-col. 2, line 7).

10. As per claims 3, 15 and 27, Merriam and Barrick taught the invention substantially as claimed in claims 1, 13 and 25 above. Merriam further taught that the rendered access time indicator comprises an access time (164, fig. 6) rendered with the network address (e.g. page ID; 162, fig. 6) (page 5, paragraph 41).

11. As per claims 7, 19 and 31, Merriam and Barrick taught the invention substantially as claimed in claims 1, 13 and 25 above. Merriam further taught wherein the access time rating is further based on a time to render the downloaded page as output on the display monitor (page 4, paragraph 32).

12. As per claims 12, 24 and 36, Merriam and Barrick taught the invention substantially as claimed in claims 1 and 13 above. Merriam and Barrick further taught wherein rendering the access time indicator when rendering the processed network address further comprises:

accessing a list of selected network addresses (see Merriam, page 6, paragraph 46; fig. 6; see Barrick, col. 9, lines 21-23);
determining the access time indicator for each of the network addresses in the list of selected network addresses based on the stored determined times for each network addresses (see Merriam, page 3, paragraph 28; page 4, paragraph 32; see Barrick, col. 8, lines 7-17); and
rendering the determined access time indicator with each network address in the list of selected network addresses (see Merriam, page 8, paragraph 58; fig. 6).

13. Claims 4-6, 9, 16-18, 21, 28-30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merriam and Barrick in view of Barrett et al, U.S. Patent 5,727,129 (hereinafter Barrett).

14. As per claims 4, 16 and 28, Merriam and Barrick taught the invention substantially as claimed in claims 1, 13 and 25 above. Merriam and Barrick did not teach altering the display of the network address on the display monitor. Barrett taught wherein the output device comprises a display monitor, wherein rendering the network address comprises displaying the network address on a display monitor and wherein rendering the access time indicator comprises altering the display of the network address on the display monitor (col. 8, lines 49-61; col. 10, lines 53-64).

15. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Merriam, Barrick and Barrett because Barrett's teaching of altering the display of the network address would increase the efficiency of Merriam's and Barrick's systems by providing network addresses to be display in a ranked order to minimize the time of search.

16. As per claims 5, 17 and 29, Merriam, Barrick and Barrett taught the invention substantially as claimed in claims 4, 16 and 28 above. Barrick further taught wherein the access time indicator comprises a color in which to display the network address on the display monitor (col. 8, lines 7-17).

17. As per claims 6, 18 and 30, Merriam and Barrick taught the invention substantially as claimed in claims 1, 13 and 25 above. Although Merriam and Barrick taught wherein the access time rating (e.g. green if less than 2 seconds or yellow if greater than 2 seconds but less than 4 seconds) is based on a time to download the page from over the network (see Barrick, col. 8, lines 7-17), however, Merriam and Barrick did not teach wherein the network address to render comprises a network address included in the page to display within the displayed page. Barrett taught wherein the output device comprises a display monitor (col. 6, lines 59-61), wherein the file accessed from the network address comprises a page to display on the display monitor, wherein the network address to render comprises a network address included in the page to display within the displayed page (col. 8, lines 49-61; col. 10, lines 19-27).

18. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Merriam, Barrick and Barrett because Barrett's teaching of a network address included in the page to display within the displayed page would increase the user's alertness by providing the user a notification of the network address of the web page being visited.

19. As per claims 9, 21 and 33, Merriam, Barrick and Barrett taught the invention substantially as claimed in claims 6, 18 and 30 above. Merriam and Barrick further taught wherein generating the list of previously accessed network addresses with access time ratings comprises:

calculating an expected access time from the stored determined times for each network address (see Merriam, fig. 6; page 5, paragraphs 39 and 41); and

determining an access time rating from the expected access time, wherein the access time indicators are determined for network addresses from the access time ratings for the network addresses (see Barrick, col. 8, lines 7-17).

20. Claims 11, 23 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merriam and Barrick in view of Bertis et al, U.S. Patent 6,092,100 (hereinafter Bertis).

21. As per claims 11, 23 and 35, Merriam and Barrick taught the invention substantially as claimed in claims 1, 13 and 25 above. Although Merriam and Barrick taught wherein rendering the access time indicator when rendering the processed network address comprises:

determining the access time indicator (see Barrick, col. 8, lines 7-17) for each of the determined network addresses in the set based on the stored determined times for each network address (see Merriam, page 3, paragraph 28; page 4, paragraph 32-34); and rendering the determined access time indicator for each network address with the network address in a list of network addresses (see Merriam, page 8, paragraph 58; fig. 6), however, Merriam and Barrick did not teach selecting one of the rendered network addresses determined from the list of previously accessed network addresses that begin with the received characters. Bertis taught a system comprising:

receiving characters of a network address a user inputs into an address field displayed on the output device (col. 8, lines 56-66);
determining a set of network addresses from the list of previously accessed network addresses that begin with the received characters (col. 8, line 66-col. 9, line 2); and
wherein a user is capable of selecting one of the rendered network addresses to substitute for the received characters to enter into the address field (col. 9, lines 3-4).

22. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Merriam, Barrick and Bertis because Bertis's teaching of selecting one of the rendered network addresses determined from the list of previously accessed network addresses that begin with the received characters would increase the efficiency by providing user with candidates of match URLs based on received characters without the need for users to complete entry of the fully-resolved URL (col. 1, lines 46-50).

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23. Claims 10, 22 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merriam, Barrick and Barrett in view of Killian, U.S. Patent 6,438,592 (hereinafter Killian).

24. As per claims 10, 22 and 34, Merriam, Barrick and Barrett taught the invention substantially as claimed in claims 6, 18 and 30 above. Merriam, Barrick and Barrett did not specifically detailing the web page. Killian taught wherein the page is implemented in a markup-language including tagged elements, further comprising:

generating a document object including nodes for the tagged elements (col. 12, lines 54-62);

generating a node for each network address included in the page (col. 12, lines 54-62);

and

generating an attribute for each network address node implementing the access time indicator determined from the network address, wherein the page is rendered from the document object (See Barrick, col. 8, lines 7-17).

25. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Merriam, Barrick, Barrett and Killian because Killian's teaching of the page with tagged element would increase the field of use in their systems.

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26. Applicant's arguments with respect to claims 1, 3-7, 9-13, 15-19, 21-25, 27-31 and 33-36, filed 07/21/04, have been fully considered but are not deemed to be persuasive and are moot in view of the new grounds of rejection.

27. In the remark applicant argued that

(1) cited prior art fail to teach the access time indicator is rendered by altering the display of the network address


28. In response to point (1), Barrett's taught that the display of the network addresses is altered in a ranked order (col. 8, lines 49-60).

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Lee

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whose telephone number is (571) 272-3967. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Philip Lee

 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100